IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Nihal Singh PETITIONER

VERSUS

STATE OF HARYANA RESPONDENT

CORAM : HON'BLE MR.JUSTICE MEHTAB S.GILL

Present:- Shri Jitender Sharma, Advocate for the petitioner.

Shri S.S.Pattar, Senior D.A.G. Haryana.

MEHTAB S.GILL, J.

This revision has been filed against the judgment/order dated 20.1.1992 of the Judicial Magistrate Ist Class, Sirsa whereby the petitioner was convicted under Section 411 I.P.C. and sentenced to undergo RI for 18 months. Petitioner filed an appeal against the same and the learned Additional Sessions

Judge, Sirsa vide his judgment dated 15.10.1993 reduced the sentence from 18 months to 9 months.

The prosecution case in brief is that that Shiv Dayal complainant on 27.7.1985 at about 7.30 parked his motor-cycle No.RRC-75 in front of Shop no.4&5 and went to a neighbouring shop. He returned after 20/25 minutes and found the aforesaid motor cycle missing. On the basis of this complaint the F.I.R. was recorded. The motor cycle was later on got recovered by the petitioner on the basis of disclosure statement. Hardev Singh accused told the police that he had sold it to Nihal Singh petitioner.

The prosecution to prove its case, brought into the witness-box Shiv Dayal PW-1, Constable Tek Chand PW-2, Constable Rajinder Singh PW-3, ASI Sarni Ram PW-4 and Brahmanand PW-5.

Learned counsel for the petitioner has argued that no allegation of theft of vehicle has been levelled against the petitioner, but only an allegation of retaining the stolen vehicle has been levelled against him. Petitioner was not aware that it was a stolen vehicle. Petitioner has already undergone 42 days of actual sentence.

Learned counsel for the petitioner has further stated that he does not want to assail the judgment of the learned trial Court on the part of conviction, but he has prayed that sentence of the petitioner may be modified to that already undergone.

Learned counsel for the State has argued that prosecution has been able to prove its case against the accused/petitioner beyond reasonable doubt.

I have heard the learned counsel for the parties and perused the

record with their assistance.

Petitioner has already undergone 42 days of actual sentence. Occurrence is of the year 1992 and revision in this Court has been pending since 1993. Sword of conviction has been hanging over the head of the petitioner since the last 14 years. This itself is a punishment.

Conviction of the petitioner is maintained. Sentence of the petitioner is modified to the extent already undergone.

With the above modification in sentence, revision petition is dismissed.

(MEHTAB S.GILL)
JUDGE

August 3, 2007
GD

WHETHER TO BE REFERRED TO REPORTER? YES/NO